

Meeting Notes

ISDS Task Force – September 14, 2000

The second meeting of the ISDS Task Force was held in Conference Room A at 235 Promenade St., Providence in Conference Room A. The meeting began at 10:05 AM with a review of the minutes from the previous meeting. There were a few questions on why there were no comments in the notes on any discussion concerning statutory revisions to the act. Tom Getz indicated that this item was included in the draft report, but there was no discussion on this issue at the previous meeting.

A question was raised if this Task Force was going to discuss DEM's enforcement efforts on failed ISDS systems. Tom Getz and Kendra Beaver summarized a meeting that was held earlier this week and said Dean Albro needed to go through a database to determine the status of open cases. DEM was in the process of hiring a computer specialist to organize the data. It was agreed that Dean Albro would be invited to the Task Force to report to the group on his efforts to work through the backlog. The Director also mentioned that DEM was working on revising its enforcement procedures to identify and resolve issues faster through a streamlined notice procedure and the initiation of a mediation process.

A question was raised if this group would be folding in Smart Growth issues into this Task Force. The Director indicated the ISDS program would be evaluated as part of the Smart Growth initiative, however this Task Force should evaluate if there are any barriers in the regulations that would not support the Smart Growth effort.

The group started to discuss possible statutory changes to the ISDS program. One participant suggested that Rhode Island should adopt Massachusetts' strategy of requiring ISDS to be evaluated and replaced, if necessary, at the point of sale. The following concepts were discussed relating to this suggestion.

- A. Rhode Island law should be changed to require ISDS to be evaluated and replaced, if necessary, at the point of sale.

This issue has been suggested in the past and did not have support in the legislature. Some Task Force members thought this idea would not be well received in the legislature if it was a DEM suggestion. In addition, in the past, the communities were not supportive of a mandatory replacement program at the point of sale. One argument for a point of sale program is that people do have money available for repair / replacement at this time. This issue could be negotiated between the buyer and the seller at time of sale.

Title V is a successful program in Massachusetts, and although it might have a small impact on the sale of some houses, it does not stop the sales of homes to a great degree. The Title V program was however, a volatile political issue in Massachusetts.

- B. ISDS replacement at the time of sale should not be a mandatory program, but should be encouraged through incentives, and should be a voluntary program.

Incentives discussed include the following:

- ◆ Reduce the interest rate even further for loans.
- ◆ Consider a grant program, especially for hardship cases. Funding for the grant program could come from bonds that have traditionally been set aside for wastewater treatment plants. There is an issue that these statewide bonds are being paid for by the state as a whole, but not all communities reap the environmental advantages of wastewater control.
- ◆ Provide communities with planning grants to set up wastewater management districts. (This is being done, and there is funding for a limited number of communities.)
- ◆ Use community block grants to fund ISDS replacements / repairs.

C. Communities should be encouraged to set up wastewater management districts.

This would allow the community to tap into programs of the Clean Water Financing Agency, who has low interest loans available for ISDS replacements. Communities that have wastewater management districts are only eligible for the loan program. At the present time approximately 5-7 communities have prepared draft plans, but none have been approved. There needs to be incentives to have other communities participate in this program.

- D. Increase incentives for communities to create wastewater management districts, but require mandatory upgrades at the time of sale.
- E. Require communities to join or create a wastewater management district. If communities do not accomplish this, have state law require the ISDS upgrades in those communities at the time of sale.
- F. Do not change the law, the banking industry, in many instances is requiring the upgrades as a condition of getting a mortgage.
- G. Require cesspools to be replaced by 2005. Replacement ISDS should be based on a performance standard needed to protect the natural resource.
- H. Set a goal of replacing cesspools within a specific timeframe.

If the goals are being met through incentives, creation of wastewater management districts and other voluntary measures, then keep the existing legal framework. If the goals are not being met, then go forward with legislative changes.

The regulations for large cesspools and duplex homes will require this cesspools to be phased out by 2004. The state has approximately 70,000 cesspools in operation and they are being replaced at a rate of about 1,300 per year. The existing Site Suitability Determination concept is also successful in having cesspools replaced.

- I. Change the regulatory structure from a technical equipment standard to a performance standard that is based on the need to protect natural resources.

This would create a structure where standards would vary in some communities, but traditional ISDS technology could be used in instances where specific environmental protection was not needed.

Concerns were raised that DEM needs to set at least minimum performance standards or else the building community would be faced with working with thirty-nine different sets of standards. DEM should develop a regulatory approach that is based on the protection of natural resources. ISDS permits would be linked to the need to protect these environmental resources. This concept would still have DEM approving ISDS systems, but based on the technology to meet certain known performance standards that would be protective of environmental goals.

Other issues were discussed at the meeting and include the following:

Concern was raised that DEM is focussing on new construction standards for ISDS. Failed existing systems may pose a greater environmental problem and we should move to resolve these issues.

The representative from the Attorney General's office suggested that an ISDS Policy Forum should be sponsored that would encourage communities to start up wastewater management districts. Outreach and education are important components on making the public aware of ISDS issues. DEM should be informing the recipient of Notice of Violations on the availability of low-interest loans to repair or replace ISDS. In addition, DEM should provide information to the communities on the location of ISDS in the communities.

The Director mentioned that DEM does not have a complete database on the location of all ISDS in the communities. It is a DEM goal to provide this kind of information to the communities. It is also important that communities look at the treatment of wastewater in a comprehensive manner.

Repair costs were discussed and a replacement system could cost in the neighborhood of \$20-30 K in the South County area. User fees were discussed to pay for grants for hardship cases or to fund a loan program. South Kingstown indicated that implementation of user fees is an issue that could expect to get close scrutiny from the public. The issue of the cost of I/A technology was raised. The cost of these systems is still higher than traditional systems, but the costs may decrease as more of these systems get approved.

The next meeting was tentatively planned for October 10, 2000. The date will be checked with the Director's schedule and Tom Getz will get back to Task Force members on future meeting dates. Meeting dates were set for the Customer Service Working Group (September 15, 2000 11:00 AM in Brian Moore's office) Outreach and Education (October 3, 2000, 12:30- 2:00 Room 220c1) and the Regulatory Working Group (October 3, 2000, Room 280 - 2:00-3:30).